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52 UNITED STATES DISTRICT COURT
53 NORTHERN DISTRICT OF CALIFORNIA

54 ANIBAL RODRIGUEZ, SAL CATALDO,
 55 JULIAN SANTIAGO, HAROLD
 56 NYANJOM, KELLIE NYANJOM, and
 57 SUSAN LYNN HARVEY, individually and
 58 on behalf of all others similarly situated,

59 Plaintiffs,

60 vs.

61 GOOGLE LLC,

62 Defendant.

63 Case No.: 3:20-cv-04688

64 **PLAINTIFFS' STATEMENT**
65 RESPECTING PROVISIONALLY
66 SEALED MATERIAL IN EXHIBIT D TO
67 PRIVILEGE LOG LETTER BRIEF

68 **(CIVIL LOCAL RULE 79-5)**

69 Judge: Alex G. Tse
 70 Courtroom A – 15th Floor
 71 Trial Date: Not Set

I. INTRODUCTION

Pursuant to Civil Local Rule 79-5(f)(3), Plaintiffs submit this statement of reasons for keeping under seal limited material redacted in Exhibit D to the parties' joint letter brief regarding Plaintiffs' privilege log, *see* ECF No. 236, 237-4. The only material that Plaintiffs seek to maintain under seal is personally identifying information, including phone numbers, work and residential addresses, and email addresses belonging to parties and non-parties. This information is immaterial to the resolution of the parties' non-dispositive dispute, and disclosing it would compromise the individuals' privacy interests.

II. **LEGAL STANDARD**

The Ninth Circuit has “‘carved out an exception to the presumption of access’ to judicial records for a ‘*sealed discovery document* [attached] to a *non-dispositive motion*,’ such that ‘the usual presumption of the public’s right of access is rebutted.’” *Kamakana v. Cty & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (alterations in original, citations omitted). “[A] ‘particularized showing,’ under the ‘good cause’ standard of Rule 26(c) will ‘suffice[] to warrant preserving the secrecy of sealed discovery material attached to non-dispositive motions.’” *Id.* at 1180 (citation omitted). Such a showing may include “privacy concerns” implicated by the disclosure of personal information. *E. & J. Gallo Winery v. Instituut Voor Landbouw-En Visserijonderzoek*, No. 1:17-CV-808-DAD, 2018 WL 4961606, at *2 (E.D. Cal. Oct. 12, 2018).

III. DISCUSSION

Plaintiffs seek to seal the personal and professional phone numbers, email addresses, and physical addresses included in Exhibit D to the parties' joint letter brief regarding Plaintiffs' privilege log, ECF Nos. 236, 237-f. That information relates to Sal Cataldo, a Plaintiff in this case; Mark Mao, one of Plaintiffs' attorneys; and Ethan Dunn, an otherwise uninvolved nonparty. Maintaining the confidentiality of this personal information "protect[s] an individual's privacy

interest and ... prevent[s] exposure to harm or identity theft." *Nursing Home Pension Fund v. Oracle Corp.*, No. C01-00988-MJJ, 2007 WL 3232267, at *2 (N.D. Cal. Nov. 1, 2007). The information at issue is irrelevant to both the merits of the claims and the issues addressed in the parties' joint letter brief. Google has already filed Exhibit D using the most restrictive redactions possible, sealing only personal information and leaving everything else, including the names associated with email addresses, unredacted.

In light of the foregoing, there is good cause to keep the limited amount of personal information under seal. Courts routinely grant motions to seal this kind of information, even under the more demanding standard applicable to materials filed in connection with dispositive motions. See, *Cancino Casteallar v. Mayorkas*, No. 17-CV-491-BAS-AHG, 2021 WL 3678440, at *3 (S.D. Cal. Aug. 19, 2021) (collecting cases); *Am. Auto. Ass’n of N. Calif., Nev. & Utah v. Gen. Motors LLC*, No. 17-CV-3874-LHK, 2019 WL 1206748, at *2 (N.D. Cal. Mar. 14, 2019) (finding compelling reasons to seal “names, addresses, phone numbers, and email addresses”); see also *In re Midland Nat'l Life Ins. Co. Annuity Sales Practices Litig.*, 686 F.3d 1115, 1120 (9th Cir. 2012) (directing the district court to allow redaction of “sensitive personal” information).

IV. CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request that the Court maintain the highlighted portions of the joint letter brief under seal.

Dated: May 12, 2021

Respectfully submitted,

By: /s/ Amanda Bonn

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